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DOCKET NO: C01041.70002.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No: 09/241,653  
Confirmation No: 8996  
Filed: February 2, 1999  
For: METHODS FOR REGULATING HEMATOPOIESIS  
USING CPG OLIGONUCLEOTIDES

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FEB 28 2003

TECH CENTER 1600/290C

Examiner: Zara  
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 18th day of February, 2003.

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents  
Washington, D.C. 20231

SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§ 1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in this application.

The Applicant hereby states, as specified in 37 C.F.R. § 1.97(e), that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application, and, to the knowledge of the

person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Statement. No fee is required.

#### PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

#### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Wagner et al., *Applicant*

By:   
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128  
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Boston, Massachusetts 02210-2211  
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Docket No. C01041.70002.US  
Date: February 18, 2003  
**XNDDX**



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Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- ☒ Supplemental Information Disclosure Form
- ☒ Copy of Reference Cited
- ☒ Return Receipt Postcard

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If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Wagner et al., Applicant*

By:

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xx: NDD